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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,749	02/20/2002	Un Koo Lee	11037-014-999	9389
24341	7590	10/03/2003	EXAMINER	
Pennie & Edmonds, LLP 3300 Hillview Avenue Palo Alto, CA 94304			MCCALL, ERIC SCOTT	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,749

Applicant(s)

LEE, UN KOO

Examiner

Eric S. McCall

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

SYSTEM FOR ANALYZING A SUSPENSION SYSTEM

FIRST OFFICE ACTION

DRAWINGS

The drawings are objected to because figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

CLAIMS

Objections

In claim 1, lines 12 & 17 and claim 7, line 10, the term "its" is objected to because of the uncertainty to the reference of said term.

35 U.S.C. § 112

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention because claim 1, as set forth in the preamble of the claim, is directed to a system for analyzing a suspension system; however the Applicant has set forth nothing in the body of the claim as to any type of analyzing let alone analyzing a suspension system.

35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spivey et al.

(5,967,536)

First, the Examiner points out that the Applicant has set forth as their preamble of claim 1 a system for analyzing a suspension system, however, nothing in the body of said claim requires

such an analyzing system and as such the preamble has not been given any patentable weight. As a result, the Applicant's claim 1 is merely a recitation of basic components of a vehicle's chassis.

As such, Spivey et al. teach a system comprising:

a frame assembly including frame units, a base plate (20), a lower mounting unit (54), and an upper mounting unit (96);

a wheel assembly including a wheel mounting assembly as claimed (col. 9, lines 62-66);

a steering assembly inherently provided to one side of the frame assembly and being connected to the wheel mounting assembly (col. 8, lines 40-42);

a strut assembly including a shock absorber (90) and spring (col. 10, lines 47/48) as claimed (fig. 2), the strut assembly being able to undergo variations in mounting positions and length between the wheel mounting assembly and the upper mounting unit of the frame assembly (ie. the prior art teaches numerous different ways that such variations can take place; col. 8, line 58 to col. 9, line 3; col. 10, lines 18-20 and 48-50); and

an arm assembly including a plurality of arms (ie. upper and lower control arms) and links (fig. 2) as claimed, the arm assembly being able to undergo variations in mounting positions and length between the wheel mounting assembly and the lower mounting unit of the frame assembly (col. 10, lines 18-32).

As pointed out above Spivey et al. teach the system as claimed, except, Spivey et al. fail to explicitly teach the steering assembly being that of a rack-and-pinion operation. Nonetheless,

it would have been obvious to one having ordinary skill in the art armed with said teaching that the steering assembly of Spivey et al. would include that of a rack-and-pinion steering assembly or, at a minimum, could use a rack-and-pinion steering assembly. The motivation being the fact that a very large portion of the steering assemblies available on the market at the time of the prior art's invention were that of rack-and-pinion assemblies and as such the use of rack-and-pinion steering assemblies were, and still are, quite common in combination with the fact that the examples of the various vehicles used in the teaching of Spivey et al. are well known to use rack-and-pinion steering assemblies.

Allowable Subject Matter

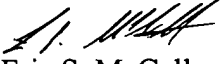
Claims 2-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

RELEVANT ART

The Applicant's attention is directed to the enclosed "PTO-892" form for the prior art made of record and not relied upon but considered relevant to the Applicant's disclosure.

CONCLUSION

Any inquiry concerning this communication should be directed to Eric S. McCall at telephone number (703) 308-6968.


Eric S. McCall
Primary Examiner
Art Unit 2855
Sep. 19, 2003